

Good Evening Commissioners. My name is Bruce Wald. For the reasons on the slide, I oppose that part of the comprehensive plan that ignores the professional planning staff's recommendation and places in the Watershed Conservation District 1160 acres that are not in the watershed.

A small part of those acres is the farm my bride and I bought 56 years ago, paying it off over the years. We raised tobacco and, on the advice of the county agent tried feeding steers, but we never made a living from the farm so both of us worked for the Navy in Washington. We enjoyed living in the county, but when our oldest child was ready to start school, we felt we had to move because getting her to and from the local school while we worked in Washington would be too hard. We kept the farm as a long-term family investment, leasing the cropland. We now live in Virginia with one of my sons and his family.

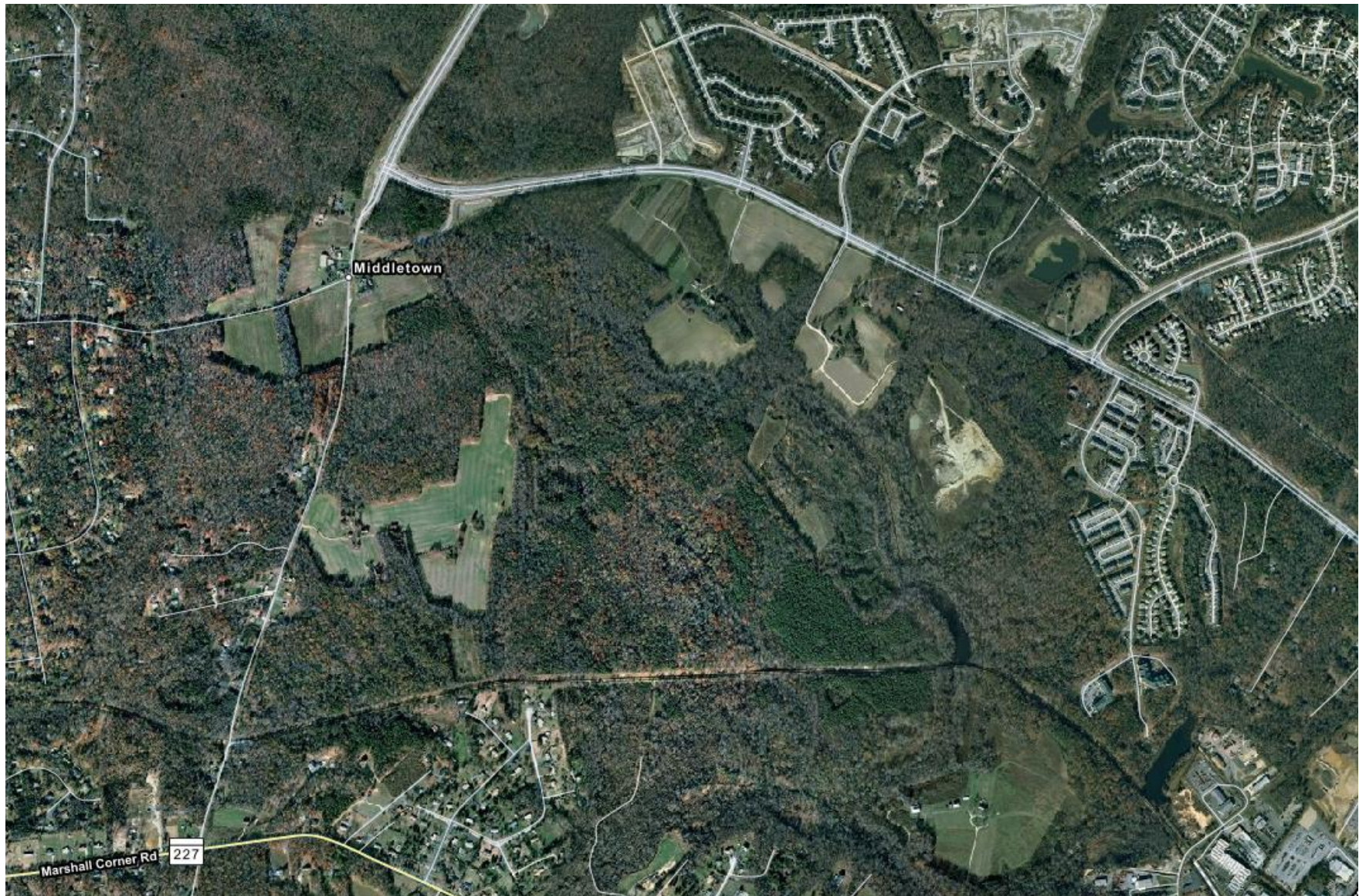
In 2004 we turned down a multi-million-dollar offer for the farm from Caruso Development, who had built a retirement community on the Eastern Shore and wanted to build one in Southern Maryland. I didn't want a great deal of money burning a hole in our pockets and causing us to spend foolishly. We were more worried about the future of our grandchildren. Finding a good job now is getting harder than it was in our youth because of computers, robots, and foreign imports. We decided to live as we always have, and put the farm in trust for our descendents. It was eventually zoned in a priority category for future development, so we expected that when that future time came, it would be sold and the proceeds would help my eleven grandchildren get started with their education, careers, and housing down payments.

I am opposing the rezoning of the farm and the rest of those 1160 acres principally because it would destroy our grandchildren's legacy without good reason and without compensation. The rezoning makes no sense when you consider the neighborhood. Look at this satellite photo of the area from Google Maps. To the south is a long-standing development. To the west is a development almost as old. Recent developments to the north and east are clearly visible. The school district is building a new elementary school less half a quarter-mile from the farm (with spot zoning proposed to take it out of the conservation district), and the existing high school is about a mile away. Our farm is a logical place for housing as new families are formed and others move into the county.

I urge the County Commissioners to follow the original recommendations of the professional planning staff and not include the 1160 acres in the proposed conservation district.

Objections to including in Watershed Conservation District my property (and 1000 other acres) now in Priority Funding Area (deferred development

- These properties are not in the watershed
- Professional planning staff recommended against inclusion
- Planning Commission majority voted to reconsider inclusion
- Weak arguments for inclusion: “ecological, aesthetic, and scenic values”
- Development surrounds property on all sides
- New school within area
- No compensation for loss of property value



By Email

Hon. Peter F. Murphy, President  
and Members  
Board of County Commissioners  
200 Baltimore Street  
La Plata, MD 20646

Re: Proposed 2016 Charles County Comprehensive Plan

May 12, 2016

Dear President Murphy and County Commissioners:

My name is John D. Hein with Mil-Mar & Sons Builders, Inc., and I am one of the owners of 49.1219 acres of land located at White Plains, MD. My property is located within a 1,160 acre area situated between Billingsley Road, Middletown Road and MD Route 227, east of US Route 301.

For many years, my property (and the entire 1,160 acre area) has been designated in the Deferred Development District and Priority Funding Area. Two years ago, it was placed in the Tier II public sewer and water classification. In recent years, Billingsley Road was upgraded to 4 lanes with a 16 inch public water line, and a public school site was purchased for construction of an elementary school on the south side of Billingsley Road within the 1,160 acres. Further, almost all of the 1,160 acres is located outside of the Mattawoman Creek Watershed. All of these factors indicate that the 1,160 acres are appropriate for future residential development.

It is my understanding that the County's professional Planning staff recognized these features and recommended to the Planning Commission that my property and the entire 1,160 acres be rezoned from Deferred Development to Development District with Transfer of Development Rights Receiver designation.

I further understand that, despite these facts, the Planning Commission completely ignored their independent expert Staff and recommended that the BOCC downzone my property and the entire 1,160 acres to a currently non-existent Watershed Conservation District (which would reduce actual residential development opportunities to virtually nothing), and to remove all but the 46 acre school site from the Priority Funding Area. These actions would further result in redesignating the 1,160 acres from public sewer/water Tier II to Tier IV (that is from planned service to no service at all).

Accordingly, please follow the original recommendations made by the Planning Staff to the Planning Commission and zone my property and the 1,160 acres to Development District/TDR Receiver, and retain its existing Priority Funding Area and Tier II designations.

Respectfully,

John D. Hein President 5-12-16  
John D. Hein - President Date

James F. Hein 5-12-16  
James F. Hein - Vice President Date

Milton F. Hein, III 5-12-16  
Milton F. Hein, III - Secretary/Treasurer Date

April 4, 2016

VIA HAND DELIVERY & E-MAIL

Hon. Gilbert (Buddy) Bowling, Jr., Chairman  
and Members  
Charles County Planning Commission  
200 Baltimore Street  
La Plata, MD 20646

and

Hon. Peter F. Murphy, President  
and Members  
Board of Charles County Commissioners  
200 Baltimore Street  
La Plata, MD 20646

Re: Proposed 2016 Charles County Comprehensive Land Use Plan

Dear Planning Commission Chairman Bowling and Members  
and Board of County Commissioners President Murphy and Members:

This letter is submitted on behalf of our client, Walton Maryland, LLC ("Walton") for consideration by and inclusion in the 2016 Charles County Comprehensive Land Use Plan ("Comp Plan") public records of both the Charles County Planning Commission ("PC") and Board of County Commissioners ("BOCC")

**1. Background**

Walton is the owner and operator of a 136.63+/- acre tract of land referred to as "Washington Glen" (the "Property"). The Property is identified on Tax Map 14 as Parcel 282 and is located in the 6<sup>th</sup> election district. Washington Glen fronts on Billingsley Road approximately 1.25 miles west of its intersection with US Route 301. It is approximately 1,000 feet from the Development District boundary, abuts the pending Billingsley Road Elementary School site along three sides (including the school's west, south and east boundaries), and is outside of the Mattawoman Creek Watershed.

As detailed herein, Walton has serious concerns and questions regarding the PC's Comp Plan record and votes that affect Washington Glen (and surrounds properties within the 1,160 acre area discussed herein). The PC's Comp Plan record is rife with inaccuracies, omissions,

questions not timely answered, and essential information provided after voting occurred. The most significant of these issues are discussed in Section 3 of this letter.

As depicted on Attachment “A”, which is incorporated herein by reference, Washington Glen is part of an 1,160 acre area (sometimes referred to as 1,100 acres) on which the PC has recommended certain zoning-related changes in the Comp Plan.<sup>1</sup> This entire area was recommended by Planning Staff for designation in the Comp Plan from existing RC(D) Deferred Development District zoning to Development District. Further, Staff recommended this area as a Transferrable Development Rights (“TDRs”) receiving area. Additionally, Staff did not recommend removing the 1,160 acres from the Priority Funding Area (“PFA”) or Tier II sewer designation.

By 4-to-3 vote taken at its meeting of February 8, 2016 (“Feb. 8 meeting”), the PC completely (and without valid supporting justification) ignored its Staff’s zoning recommendation. Instead, the PC – *sua sponte* and without concurrence from Staff, who are the PC’s independent experts – recommended Watershed Conservation District (“WCD”) zoning for the entire 1,160 acres, including Washington Glen and the adjoining school site. The PC also voted to remove the area from PFA designation and to recommend a maximum development density of one residential unit per 10 acres.<sup>2</sup> The PC took these actions even though the WCD zone had not yet been created, afforded due process review or legislatively approved.

## 2. Requested Actions

In order to afford Walton (and other property owners within the 1,160 acre WCD zoning recommended area) fair consideration and to provide the general public, PC and BOCC with a complete and accurate understanding of Walton’s concerns before the Comp Plan becomes final, Walton respectfully requests that:

- (a) The Planning Commission
  - (i) In accordance with its “Rules of Practice and Procedure” revise its WCD recommended zoning and related recommendations to that which was recommended by Planning Staff due to “mistake or irregularity” [*see* Rules §7(e)]; or reconsider, modify or rehear the same issues due to mistake arising from

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<sup>1</sup> / The attached color version of this Map, which is labeled PFA (Priority Funding Area/(Deferred Development District Area), identifies Washington Glen, the school site to its east, the 1,160 existing Deferred Development District at issue, the Priority Funding Area that overlaps in its entirety and expands well beyond the Deferred Development District area, and the northern boundary of the Development District south of the subject 1,160 acres.

<sup>2</sup> / PC Feb. 8 Meeting Minutes, Item 4B.

changed circumstances or new evidence which could not reasonably have been presented at the original hearing [see Rule §7(f)1.2].

- (b) Board of County Commissioners
  - (i) Hold one or more Comp Plan public hearings on the PC's recommendations regarding the 1,160 acre area to allow for property owner input on the matters raised herein;
  - (ii) Reverse the PC's recommendation for WSC zoning of the 1,160 acre area (including Washington Glen) and adopt the Staff's recommendation (assuming that the PC has not already done so before forwarding the Comp Plan to the BOCC for final action). The Staff recommendation was to zone the area for Development District with the opportunity to apply TDRs. Staff also would have kept the area in State PFA status and Tier II designation.

In support of its recommendations, Walton offers the following discussion of its primary issues of concern.

### 3. Issues

- (a) Previous Comp Plan and Comprehensive Rezoning Errors  
Would Be Perpetuated by the PC's Recommended WCD Zoning

In 2000, Washington Glen was erroneously Comprehensively Rezoned to the RC(D) Deferred Development District. Previously, during the 1992 Charles County Comprehensive Zoning, Washington Glen had been zoned "RM" (Medium-Density Residential). The zoning error that occurred in 2000 was that the Property was then (and remains) in the designated Priority Funding Area ("PFA"). RC(D) zoning, which allows a maximum allowable development density of one dwelling per 10 acres is contrary to and inconsistent with the State's PFA objective of promoting economic growth and development by allocating priority funding to PFA areas.

This error was extended into the PC's Feb. 8 meeting discussion on the 1,160 acre area. Planning Staff stated that the "hard painful part had already occurred years ago from one unit per acre to one unit per 10 acres..."<sup>3</sup> Given that the 2000 zoning change was incorrect and contrary to the PFA designation, Staff's statement perpetuated the previous mistake as erroneous rationale for the PC recommending WCD zoning designation for this area in the pending 2016 Comp Plan.

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<sup>3</sup> / PC Feb. 8 meeting videotape, minute 100.

(b) The 1,160 Acre Area (Including Washington Glen) is Not  
Situated Within the Mattawoman Watershed Drainage Boundaries

As clearly depicted on the Watershed Map attached and incorporated as "Attachment B," the 1,160 acres are, as a matter of undeniable fact, outside of the Mattawoman Creek Watershed Boundaries. Rather, the area is situated within and drains to the Port Tobacco River Watershed. Accordingly, there is no valid environmental planning rationale for recommending WCD zoning in the pending Comp Plan.

Furthermore, contrary to a statement by Commissioner Schertler during the PC's February 8 vote,<sup>4</sup> the Indian Rail Trail does not run through Washington Glen. Rather, the Trail lies south of the Property. (Note that even if a portion of the Trail did run through the Property, that portion could be preserved during development and made more readily accessible to additional trail users who would reside in Washington Glen and along Billingsley Road.) Again, however, an erroneous statement was proffered that inaccurately suggested environmental significance of Washington Glen. In sum, because the Property is outside of the Mattawoman Watershed and does not contain any of the Indian Head Trail, this flawed rationale for recommending zoning Washington Glen to the environmentally protected WCD zone is without merit and lacks any nexus whatsoever (let alone a rational nexus) to the intended public objective.

(c) The 1,160 Acres (Including Washington Glen Which  
Abuts the Billingsley Road Elementary School Site) are a  
Prime Location for a Reasonable Amount of Residential Development

The ideal location for an elementary school site is within a residential community where children can walk or ride their bicycles to school (especially without having to cross a major roadway such as the 4-lane Billingsley Road). Residential zoning and future reasonable residential development of the 1,160 acres, including Washington Glen, would foster this purpose. Indeed, the school site is surrounded on three sides by Washington Glen, with Billingsley Road abutting the fourth side.

As noted, because this area is located within the PFA and, as explained above, is not environmentally sensitive, residential development would create a compatible neighbor for the future Elementary School, both during school hours and afterwards when children could exercise on the school's play equipment and fields within close proximity and safe, convenient access to their homes.

Continuing to expose the series of Comp Plan mistakes and omissions, during the PC's Feb. 22, 2016 meeting, Commissioner Jones commented to Planning Staff that she was surprised to learn [2 weeks after the PC's February 8, 2016 vote to include the 1,160 acres in the WCD

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<sup>4</sup> / PC Feb. 8 meeting videotape, minute 115.50.

zone] that a school [the Billingsley Road Elementary School next to Washington Glen] was located in the WCD zoning area.<sup>5</sup> This undeniable fact was not included in the Staff's presentation to the PC before it voted, making the vote without that inherently material information, rendering the follow-on vote based on false pretenses. Expanding on Commissioner Jones' late hour surprise and concern, Commissioner Magoon reminded the PC that Staff had previously recommended removing the entire 1,160 acres from the WCD, including that previously undisclosed school site. Clearly, the unveiling of glaring omissions from the PC's Comp Plan background knowledge continued to grow in number and importance after the initial, admittedly misguided PC vote had occurred.

Further, placement of the school site in the WCD could adversely impact its future developability in terms of funding, construction and timing, but also in regard to any requisite extension of public sewer to serve that school. Moreover, should the school site alone be carved out of the WCD (and also remain as the only property designated in the Tier II sewer service category and/or PFA as discussed in other sections of this letter), the result would constitute illegal and reversible "spot zoning," *i.e.*, a zoning change/decision based on a single parcel identified for special treatment – in short, the antithesis of "comprehensive" planning. As discussed later in this letter, the PC is currently recommending that the school site be placed in the WCD (which would then result in Tier IV sewer designation), and to retain the school property as the only land within the 1,160 acres that will be in the PFA.

Finally, it is significant that, subsequent to the June 2015 issuance of State authorization to proceed with the Billingsley Road Elementary School project, the site has been acquired and design work has commenced.<sup>6</sup> Again, the PC was only apprised of these potentially pivotal facts, well after its WCD zoning vote.

- (d) The 1,160 Acres (Including Washington Glen)  
are in Close Proximity to Public Services and Existing  
and Proposed Development that Will Support Residential Development

Billingsley Road, which abuts the 1,160 acres and directly abuts Washington Glen to the north has recently been widened from 2 lanes to 4. Therefore, the area is readily accessible to a substantial public roadway. Also, an existing 16-inch public water line exists within the Billingsley Road right-of-way that could service the public water requirements of additional residential development. Because the area is currently included in the Tier II Map, designation also exists for service by sanitary sewer. The Tier II designation was applied under the County's recently (April 29, 2014) adopted Tier Map. There was strong support for this designation, which also indicates support for retaining PFA designation, provision of public water and sewer,

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<sup>5</sup> / PC Feb. 22 meeting videotape, minute 82:30.

<sup>6</sup> / See Planning Staff Memorandum to PC dated Feb. 23, 2016, first page.

and allowing the area to be removed from Deferred Development to the Development District (rather than down-zoned to an even more restrictive WCD zone). Also, it is similarly unclear that the PC understood that the developers, rather than the County, would be responsible for bringing the allowable public sewer service to the Property. This latter fact would negate any significance to a Planning Staff comment at the PC's Feb. 8 meeting that funding for sewer is supposedly not a priority in this area right now.<sup>7</sup>

As noted, Washington Glen itself is located within 1,000+/- feet of the Development District boundary. Properties to the north have been developed or are proposed for development at medium to high residential density and for commercial uses. In addition to the improvement to 4-lanes of the adjacent Billingsley Road Arterial Highway and the pendency of construction of the adjoining public elementary school, establishment of the Charles County Transit Development Corridor and availability of mass transit systems will complement residential development of the 1,160 acres (including Washington Glen) at a reasonable residential density. To restrict this area – whether to supposedly protect a watershed of which it clearly lies outside, or otherwise – to WCD zoning would not only destroy its appropriate development potential, but would also clearly not serve any demonstrable environmental or economic purpose.

(e) Impropriety and Inequity of Designating Land in a Comp Plan for Zoning to an As-Yet Unreviewed and Unadopted Zone

Once adopted by the BOCC, the zoning recommendations contained in the Comp Plan will be implemented (*i.e.*, given the force and effect of law) through Comprehensive Rezoning. Property owners within the 1,160 acre area that Staff had recommended for far more substantial residential density (including Washington Glen) have no idea what the WCD zone will ultimately allow. Moreover, extensive discussion during the PC's March 21, 2016 meeting (some 6 weeks following the PC's WCD zoning vote) made clear that the PC was itself murky (at best) on the issue.<sup>8</sup>

In essence, a Comp Plan recommendation to an as-yet, non-existent zone is putting the cart before the horse. It is patently unfair to both immediately affected property owners and neighboring owner(s) to recommend this "leap of faith" zoning designation in the Comp Plan. Rather, the WCS zone should first be drafted and publicly debated. For all of these reasons, it should be withheld from inclusion in the Comp Plan unless and until it is finally adopted.

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<sup>7</sup> / PC Feb 8 meeting videotape, minute 123:10.

<sup>8</sup> / PC March 21 meeting videotape, minutes 74:20 to 121:00.

- (f) Failure to Designate the 1,160 Acres (Including Washington Glen) as a TDR Receiving Area Deprives the County of a Cost-Free Opportunity to Save TDR Sending Areas Specifically Identified for Preservation

As demonstrated herein, the 1,160 acres that Staff did not recommend for inclusion in the WCD zone does not contain characteristics that merit preservation from development. What Staff did identify as a meritorious public benefit was to allow such land to pay for and preserve other County properties appropriately designated for preservation.

Contrary to the PC, Staff had recommended moving the 1,160 acres from the Deferred Development District to the Development District and establishing a TDR receiving area for the 1,160 acres. This same area is currently in the PFA, designated within the Tier II sewer map, and is not in the Mattawoman Watershed Drainage area. Accordingly, Staff identified and recommended a win/win zoning scenario consistent with valid public objectives and procedures. By contrast, any such misplaced WCD zoning designation will destroy this opportunity and needlessly cost the developers millions of dollars without furthering any legitimate County policy or goal, belie “smart growth” objectives and improperly result in property exactions exceeding anything arguably justified by potential impacts from the project in fact. Compare Charles County APF Manual and the controlling law under the *Nollan*, *Dolan*, and *Koontz* trilogy regarding same.<sup>9</sup>

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<sup>9</sup> / Charles County Adequate Public Facilities Manual (adopted July 7, 1997 and revised June 28, 2008) requires at §1.0 that “an applicant only mitigate his or her impact on the [public] facility and not the correction of previous capacity problems. The correction of any existing problems are the responsibility of the various levels of governmental agencies.”

*Nolan v. California Coastal Comm’n*, 483 US 825, 841 (1987) (it is the government’s burden to prove that the exaction “substantially advances a legitimate interest” by demonstrating that an “essential nexus” exists between the exaction and the identified legitimate state interest); *Dolan v. City of Tigard*, 512 US 374, 391 (1994) (the government must make an individualized determination of a “rough proportionality” in nature and degree between the exactions imposed and the actual impacts to the public infrastructure of the proposed development); *Koontz v. St. Johns River Water Management District* (slip opinion, No. 11-1447, October Term 2012, decided 6/25/13) (development fees charged by the government as a condition of approvals and monetary exactions which must pass muster under *Nolan* and *Dolan*, absent which the monetary exaction is, *per se*, arbitrary, capricious and unconstitutional). Therefore, the essential nexus requirement from *Nolan* and the rough proportionality test from *Dolan* must be applied to test the legality of these exactions, and the burden is on the County to demonstrate that these tests have been satisfied...in order to legally justify the aggressive zoning acts now seemingly recommended by the PC.

- (g) During the Weeks that Followed the PC's February 8, 2016  
Vote to Recommend WCD Zoning and Removal From the PFA  
of the 1,160 Acres (Including Washington Glen), Substantial  
New Information Was Provided to the PC Resulting in Procedural Disarray

As discussed throughout this letter, significant additional information was provided to the PC by Staff. This resulted in a request for reconsideration and subsequent Comp Plan votes regarding the 1,160 acres and the school site. This new information and legally questionable procedures followed by the PC ultimately bring the validity of the PC's Comp Plan votes on this area into serious doubt. The PC's confusion over its own Rules and actions came to a head at its March 21, 2016 meeting.<sup>10</sup>

A lengthy discussion and debate over the correct interpretation and applicability of the PC's Rules of Practice and Procedure as well as Robert's Rules of Order arose between County Legal Staff and PC members. Specifically, procedural questions were raised regarding a February 22, 2106 motion by Commissioner Barnes to reconsider the PC's actions from its previous (Feb. 8, 2016) meeting with respect to the 1,160 acre area and whether the PC had voted to suspend its Rules were raised, but remained un-resolved.<sup>11</sup> Legal Staff argued in support of the validity of the Request for Reconsideration and the PC's suspension of its Rules. Moreover, this interpretation would be consistent with PC Rules of Practice and Procedure §§7(e) and 7(f)1.2. These Rules allow for reconsideration upon finding of mistake or irregularity, or reconsideration/modification/rehearing due to a mistake arising from changed circumstances or new evidence which could not reasonably have been presented at the original hearing (in this instance, the Feb 8 PC meeting).

A matter of significant import arose over whether Staff had provided the PC with new post-vote information that justified the previous Reconsideration Motion made by Commissioner Barnes. Legal Staff made clear that, because Planning Staff had recommended zoning to support residential development of the 1,160 acres (premised on the area being outside of the Mattawoman Watershed and on Staff's recommendation that the area be designated for TDR Receiving status), Staff was rightfully unprepared to provide guidance to the PC when the Commission made and approved its contrary (indeed, 180 degrees to the contrary) motions on Feb. 8. These included WCD designation, removal from the PFA, and imposition of a one unit per ten acre density cap on the entire 1,160 acres. Legal Staff then confirmed that Planning Staff subsequently provided new information and analysis relating to the PC's actions by issuance of a February 11 Staff Memo – three days after the PC's vote.<sup>12</sup> Once more, the cart (in the form of

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<sup>10</sup> / PC March 21 meeting videotape, minutes 74:20-121:00.

<sup>11</sup> / PC March 21 meeting videotape, minute 76:35.

<sup>12</sup> / PC March 21 meeting videotape, minute 84:48.

PC votes) came before the horse (in the form of Staff provision of new information upon which the PC could make reasoned determinations on the Motions it had previously approved). Indeed, the post-vote information certainly seems to have formed the foundation for Commissioner Barnes' Feb. 22, 2016 Motion to Reconsider.

Adding insult to injury to properties within the 1,160 acres, upon Motion by Commissioner Magoon alleging that he had previously erred in voting against a motion to place the school site (alone) back into the PFA, the PC then voted to reverse its previous denial of PFA designation for the school. Again, this action was apparently premised upon post-Feb. 8, 2016 vote information provided to the PC by the Board of Education that the Board were unsure whether any such removal from PFA designation would affect construction funding for the school.<sup>13</sup>

Of further concern, during the March 21 meeting, Commissioner Jones remarked that at the time of the PC's Feb. 8 vote, she was under the incorrect impression that the 1,160 acres were within the Mattawoman Watershed Area and that the proposed WCD zoning area was the same as the Mattawoman Watershed Area.<sup>14</sup> Once more, a PC member's misperception was not clarified until many weeks after the Feb. 8 vote. Thus, what remains is a bare majority vote (on Feb. 8) based on (now admitted to be) false pretenses and incorrect and/or incomplete information of a material nature which the PC thereafter blocked from needed reconsideration and rehearing status – holding, in essence, that only a bare majority was needed to commit the error, but a “super majority” was required to fix it. Because the opposition could not muster those super majority votes, this untenable situation remains, supposedly without solution.

Finally, in summing up the PC's vote, Chairman Bowling stated that the BOCC could always change the PC's Comp Plan recommendations and that the PC needed to move on from their Comp Plan discussion.<sup>15</sup> This record clearly shows the patent unreliability of the PC's Feb. 8 votes to recommend that the BOCC designate the 1,160 acres in the WCD zoning district, remove the entirety (except for the after-the-fact reinstatement of the school site) from PFA designation, and impose a maximum residential development density of one unit per 10 acres (without TDR Receiver designation). Not only do these PC recommendations run counter to Staff's expert recommendations on these subjects, it also calls into question how these issues in regard to the pending Comp Plan need to be more circumspect and above reproach, both for land owners and other County citizens.

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<sup>13</sup> / PC March 21 meeting videotape, minute 109:25.

<sup>14</sup> / PC March meeting videotape, minute 103.

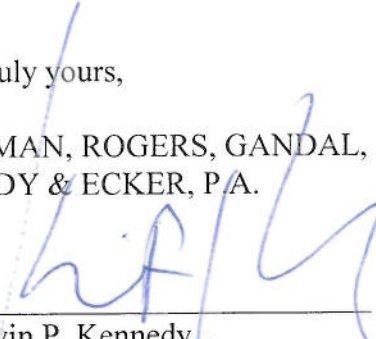
<sup>15</sup> / PC March 21 meeting videotape, minutes 106:50 and 107:10.

4. Conclusion

For any or all of the reasons presented in this letter, and as matters of fundamental fairness and legal prudence, Walton respectfully requests that the PC and BOCC take those specific actions recommended herein at Section 2.

Very truly yours,

SHULMAN, ROGERS, GANDAL,  
PORDY & ECKER, P.A.

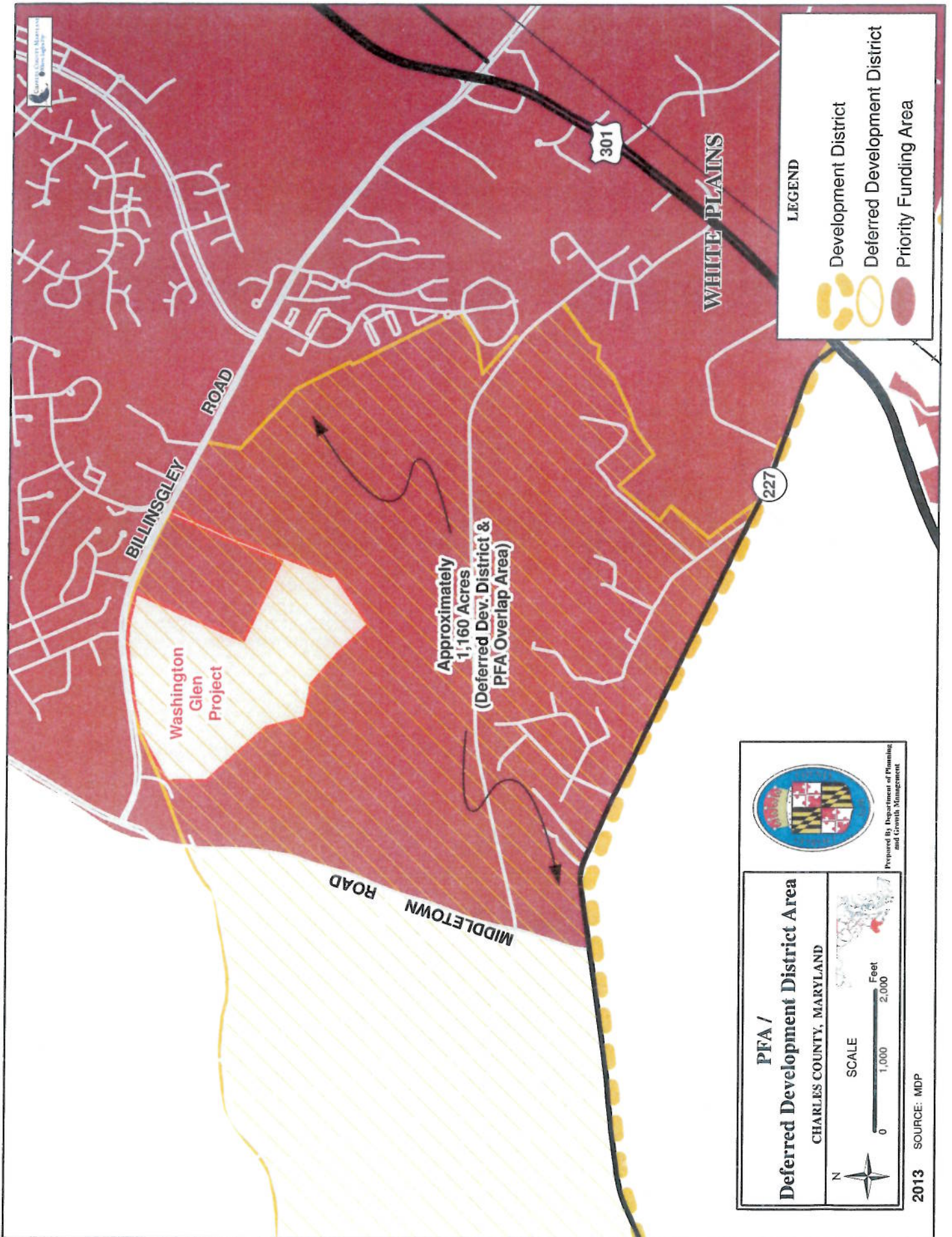
By:   
Kevin P. Kennedy

By:   
Larry A. Gordon

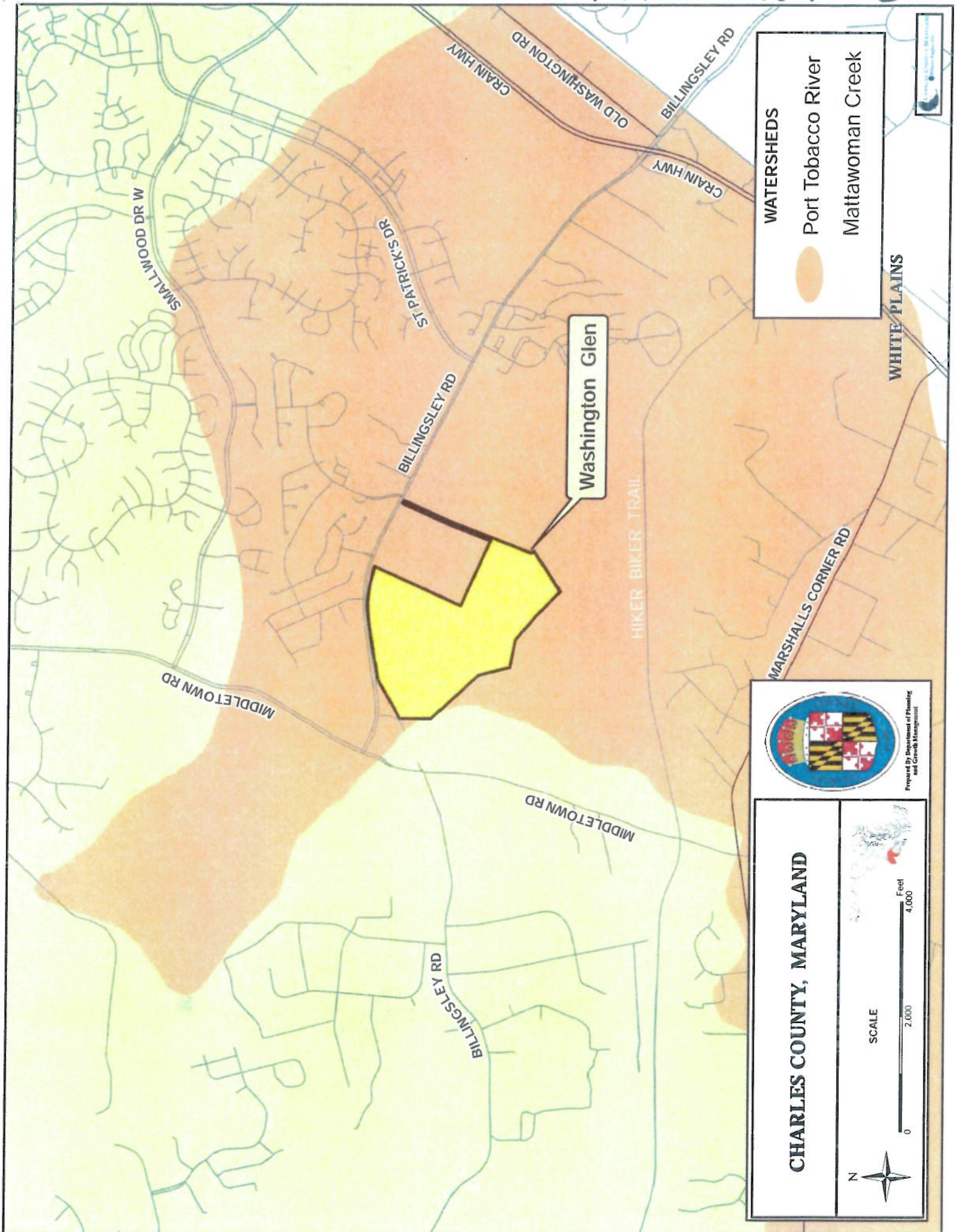
Attachments (in color)

cc: Elizabeth D. Theobalds, County Attorney (via e-mail)  
Steve Ball, Director DPGM (via e-mail)  
Bill Gibson, Esq.  
Walton Maryland, LLC

# Attachment A



# Attachment B



May 16, 2016

Board of County Commissioners  
Charles County Maryland  
P.O. Box 2150  
200 Baltimore Street  
La Plata, MD 20646

Attention: Danielle Mitchell  
Clerk for the Board of County Commissioners

RE: Proposed changes to the Comprehensive Plan –Watershed Conservation District and its impact on the Griffith Property, located at 10300-10400 Griffith Lane, White Plains

Dear Commissioners,

I am writing in reference to my family's farm at 10300-10400, Griffith Lane, White Plains ("the Farm"). This property is approximately 232 acres slightly West of Route 301 between Billingsley Road and Route 227. Currently, the Farm (with the exception of roughly 8 acres on either side of Billingsley Road zoned RM) is zoned RC(D), part of the Deferred Development District ("DDD").

According to the May 10, 2016 County Commissioner's Briefing on the Comprehensive Plan by Planning Director Steven Ball ("May 10 Briefing"), the 2006 Comprehensive Plan referenced the DDD as a holding area planned to allow future development with projects to be on water and sewer at estimated 3-5 units per acre. (See, slide 34, May 10 Briefing). The current Draft Plan will change the DDD to a Watershed Conservation District ("WCD") removing the possibility for residential development on sewer and water. (Id.). In addition, it appears that this change will set a permanent density of 1 residential unit per 20 acres (see slide 37, May 10 Briefing). The May 10 Briefing also specifically singles out 1,160 acres in the far eastern edge of the proposed WCD, that the Planning Commission recommends be included in the Tier IV area, WCD and removed from the Priority Funding Area (see slide 38, May 10 Briefing). This specific 1,160 acres includes the Farm, along with an adjacent property known as the Washington Glen Project.

We believe that the proposed change referenced above, if implemented, will have a significant adverse impact on the value and potential uses of our farm, by placing additional permanent restrictions on density and access to water and sewer versus what currently exists.

In addition, the location of the Farm in relation to other contiguous properties with higher density zoning, strongly counsels against making it part of an expanded WCD area. Attached are Charles County zoning maps which show the Farm, as denoted by the arrow "SITE". As you can see, the Farm is surrounded by BP, IG, RH and RM zoning areas. Given the extent of

development in these contiguous areas, the Draft Plan, if implemented, would in essence be "spot zoning" and would create an area which is largely inconsistent in terms of the zoning area and boundaries.

In light of all the above factors, including the negative impact of the additional property restrictions proposed and the risk of disparate treatment of the Farm versus adjacent properties already developed or having higher zoning classifications, we respectfully request that the County Commissioners reject the proposal of the Planning Commission to include the Farm in the WCD, Tier IV area.

Sincerely,



John D. Griffith  
Trustee, Griffith Farm  
10300-10400 Griffith Lane  
White Plains, MD 20695